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Warden at San Quentin State Prison*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**JAMES CARLIN,**

Petitioner,

v.

**CALIFORNIA STATE PRISON,**

Respondent.

C 06-4145 SI

**STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER**

Date: August 26, 2011  
Time: 3:00 p.m.  
Courtroom: 10  
Judge: The Honorable Susan Illston  
Trial Date: n/a

Pursuant to the Clerk's Notice of July 19, 2011 and this Court's Standing Case Management Conference Order, Respondent Michael Martel, Acting Warden at San Quentin State Prison, through counsel, submits the following stipulation between the parties for continuing the case management conference currently scheduled for August 26, 2011, upon agreement and order of this Court.

**DECLARATION OF COUNSEL IN SUPPORT OF STIPULATED REQUEST**

I, Denise A. Yates, declare under penalty of perjury of the laws of the State of California and of the United States:

1. I am an attorney admitted to practice before the courts of the State of California

1 and this Court. I am employed by the California Attorney General's Office as a Deputy Attorney  
 2 General in the Correctional Writs and Appeals Section, and I am assigned to represent respondent  
 3 in this habeas action in which petitioner Carlin challenges the Board of Prison Terms' December  
 4 15, 2003 decision denying him parole.

5 2. Following a decision by the Ninth Circuit Court of Appeals, this Court ordered the  
 6 parties to appear for a case management conference on August 26, 2011, and to file a joint case  
 7 management conference statement by August 19, 2011.

8 3. I will be out of the office from August 8 through August 18, 2011. Since receiving  
 9 this Court's July 19, 2011 Notice, I have prepared six filings and responded to an adverse order. I  
 10 also need to work on at least three other filings before August 8.

11 4. I communicated with Petitioner Carlin's attorney, Margaret Littlefield, and she  
 12 does not object to continuing the joint case management conference to September 23, 2011, and  
 13 the deadline for filing the joint case management conference statement to September 16, 2011.

14 5. This stipulated agreement to continue the conference and statement dates is not  
 15 made for any purpose of harassment, undue delay, or for any improper reason. Respondent has  
 16 not requested any other extensions of time to continue the conference and statement dates in this  
 17 case.

18 I declare under penalty of perjury that the foregoing is true and correct and that this  
 19 declaration was executed on August 4, 2011, at San Francisco, California.

21 /s/ Denise A. Yates  
 22 DENISE A. YATES  
 Deputy Attorney General

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1 Accordingly, counsel for Petitioner and counsel for Respondent hereby stipulate that the  
2 case management conference should be continued to September 23, 2011, and the deadline for  
3 filing the joint case management conference statement should be continued to September 16,  
4 2011.

5 Dated: August 4, 2011

/s/ Margaret Littlefield  
MARGARET LITTLEFIELD

7 Attorney for Petitioner

8 Dated: August 4, 2011

/s/ Denise A. Yates  
DENISE A. YATES  
Deputy Attorney General

10 Attorney for Respondent

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13 PURSUANT TO STIPULATION IT IS SO ORDERED.

14 Dated: August 5, 2011

15   
16 SUSAN ILLSTON  
17 United States District Judge

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## CERTIFICATE OF SERVICE

Case Name: Carlin v. Wong

No. C06-4145 SI

I hereby certify that on August 4, 2011, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 4, 2011, at San Francisco, California.

L. Tra  
Declarant

/s/ *L. Tra*  
Signature

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